

REMARKS

This is a full and timely response to the outstanding Office action mailed February 10, 2005. Upon entry of the amendments in this response claims 1-45 are pending. More specifically, claims 1, 11, 14, 21, 28, 35, and 41 are amended. These amendments are specifically described hereinafter. It is believed that the foregoing amendments add no new matter to the present application. Other statements not explicitly addressed herein are not admitted.

I. Present Status of Patent Application

Claims 1-6, 8-45 are rejected under 35 U.S.C. § 102(e) as being anticipated by Cobb (U.S. Patent No. 6,199,102). Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cobb (U.S. Patent No. 6,199,102) in view of Ralston *et al.* (U.S. Patent No. 6,842,773).

II. Examiner Interview

Applicant first wishes to express sincere appreciation for the time that Examiner Barqadle spent with Jeff Kuester and Benjie Balser during a May 3, 2005 telephone discussion regarding the above-identified Office Action. Applicant believes that selecting a record out of a plurality of records for at least two recipient addresses as not provided in *Cobb* was discussed during the telephone discussion, and that the outcome of this discussion is addressed herein. During that conversation, Examiner Barqadle seemed to indicate that it would be potentially beneficial for Applicant to file this amendment and response. Thus, Applicant respectfully requests that Examiner Barqadle carefully consider this amendment and response.

III. Rejections Under 35 U.S.C. §102(e)

A. Claims 1-6, and 8-10

The Office Action rejects claims 1-6, and 8-10 under 35 U.S.C. § 102(e) as allegedly being anticipated by *Cobb* (U.S. Patent No. 6,199,102). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 1 recites:

1. A method for blocking an electronic communication, the method comprising:
receiving at least a portion of a first electronic communication, the first electronic communication including a first electronic communication source address and a first electronic communication recipient address;
accessing user electronic communication blocking profile data, the user electronic communication blocking profile data including a plurality of user electronic communication blocking records, each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records including a recipient identifier field to store a recipient identifier and a sender identifier field to store a sender identifier;
selecting a first user electronic communication blocking record of a plurality of blocking records for at least two of a plurality of recipient addresses
based at least in part on the first electronic communication source address and the first electronic communication recipient address; and
blocking delivery of the first electronic communication to the first electronic communication recipient address based at least in part on the selected first user electronic communication blocking record.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 as amended is allowable for at least the reason that *Cobb* does not disclose, teach, or suggest at least **selecting a first user electronic communication blocking record of a plurality of blocking records for at least two of a plurality of recipient addresses**. *Cobb* does not teach selecting, based on the recipient address, a record from multiple user records. Notwithstanding, no such teaching can be identified anywhere within this reference. Therefore, *Cobb* does not anticipate claim 1, and the rejection should be withdrawn.

Because independent claim 1 as amended is allowable over the cited art of record, dependent claims 2-6 and 8-10 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that dependent claims 2-6 and 8-10 contain all the steps/features of independent claim 1. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 2-6 and 8-10 are patentable over *Cobb*, the rejection to claims 2-6 and 8-10 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claims 2-6 and 8-10 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 2-6 and 8-10 are allowable.

B. Claims 11-20

The Office Action rejects claims 11-20 under 35 U.S.C. § 102(e) as allegedly being anticipated by *Cobb* (U.S. Patent No. 6,199,102). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 11 recites:

11. A method for blocking delivery of one or more electronic mail ("e-mail") messages transmitted under the Simple Mail Transfer Protocol ("SMTP"), the method comprising:

receiving at least a portion of a first e-mail message, the first e-mail message including at least a first e-mail sender address and a first e-mail recipient address;

accessing user e-mail blocking profile data, the user e-mail blocking profile data including a plurality of user e-mail blocking records, each user e-mail blocking record of at least a subset of the plurality of user e-mail blocking records including a recipient identifier field to store a recipient identifier and a sender identifier field to store a sender identifier;

selecting a first user e-mail blocking record of a plurality of blocking records for at least two of a plurality of recipient addresses based at least in part on the first e-mail sender address and the first e-mail recipient address; and

blocking delivery of the first e-mail message to the first e-mail recipient address based at least in part on the selected first user e-mail blocking record.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 11 as amended is allowable for at least the reason that *Cobb* does not disclose, teach, or suggest at least **selecting a first user e-mail blocking record of a plurality of blocking records for at least two of a plurality of recipient addresses**. *Cobb* does not teach selecting, based on the recipient address, a record from multiple user records. Notwithstanding, no such teaching can be identified anywhere within this reference. Therefore, *Cobb* does not anticipate claim 11, and the rejection should be withdrawn.

Because independent claim 11 as amended is allowable over the cited art of record, dependent claims 12-20 (which depend from independent claim 11) are allowable as a matter of law for at least the reason that dependent claims 12-20 contain all the steps/features of

independent claim 11. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 12-20 are patentable over *Cobb*, the rejection to claims 12-20 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 11, dependent claims 12-20 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 12-20 are allowable.

C. Claims 21-27

The Office Action rejects claims 21-27 under 35 U.S.C. § 102(e) as allegedly being anticipated by *Cobb* (U.S. Patent No. 6,199,102). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 21 recites:

21. A system for blocking delivery of an electronic communication, the system comprising:

a network port;

a processor coupled to the network port; and

a memory coupled to the processor, the memory storing a plurality of instructions to be executed by the processor, the plurality of instructions including instructions to:

receive at least a portion of the electronic communication, the electronic communication including an electronic communication source address and an electronic communication recipient address,

access user electronic communication blocking profile data, the user

electronic communication blocking profile data including a

plurality of user electronic communication blocking records of a

plurality of blocking records for at least two of a plurality of

recipient addresses, each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records including a recipient identifier field to store a recipient identifier and a sender identifier field to store a sender identifier,

select a user electronic communication blocking record based at least in part on the electronic communication source address and the electronic communication recipient address, and

block delivery of the electronic communication to the electronic communication recipient address based at least in part on the selected user electronic communication blocking record.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 21 as amended is allowable for at least the reason that *Cobb* does not disclose, teach, or suggest at least **the user electronic communication blocking profile data including a plurality of user electronic communication blocking records of a plurality of blocking records for at least two of a plurality of recipient addresses**. *Cobb* does not teach selecting, based on the recipient address, a record from multiple user records. Notwithstanding, no such teaching can be identified anywhere within this reference. Therefore, *Cobb* does not anticipate claim 21, and the rejection should be withdrawn.

Because independent claim 21 as amended is allowable over the cited art of record, dependent claims 22-27 (which depend from independent claim 21) are allowable as a matter of law for at least the reason that dependent claims 22-27 contain all the steps/features of independent claim 21. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10

U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 22-27 are patentable over *Cobb*, the rejection to claims 22-27 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 21, dependent claims 22-27 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 22-27 are allowable.

D. Claims 28-34

The Office Action rejects claims 28-34 under 35 U.S.C. § 102(e) as allegedly being anticipated by *Cobb* (U.S. Patent No. 6,199,102). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 28 recites:

28. A method for blocking delivery of an electronic communication, the method comprising:

a step for receiving at least a portion of the electronic communication, the electronic communication including an electronic communication source address and an electronic communication recipient address;

a step for accessing user electronic communication blocking profile data, the user electronic communication blocking profile data including a plurality of user electronic communication blocking records, each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records including a recipient identifier field to store a recipient identifier and a sender identifier field to store a sender identifier;

a step for selecting a user electronic communication blocking record of a plurality of blocking records for at least two of a plurality of recipient addresses based at least in part on the electronic communication source address and the electronic communication recipient address; and

a step for blocking delivery of the electronic communication to the electronic communication recipient address based at least in part on the selected user electronic communication blocking record.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 28 as amended is allowable for at least the reason that *Cobb* does not disclose, teach, or suggest at least **a step for selecting a user electronic communication blocking record of a plurality of blocking records for at least two of a plurality of recipient addresses**. *Cobb* does not teach selecting, based on the recipient address, a record from multiple user records. Notwithstanding, no such teaching can be identified anywhere within this reference. Therefore, *Cobb* does not anticipate claim 28, and the rejection should be withdrawn.

Because independent claim 28 as amended is allowable over the cited art of record, dependent claims 29-34 (which depend from independent claim 28) are allowable as a matter of law for at least the reason that dependent claims 29-34 contain all the steps/features of independent claim 28. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 29-34 are patentable over *Cobb*, the rejection to claims 29-34 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 28, dependent claims 29-34 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 29-34 are allowable.

E. Claims 35-40

The Office Action rejects claims 35-40 under 35 U.S.C. § 102(e) as allegedly being anticipated by *Cobb* (U.S. Patent No. 6,199,102). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 35 recites:

35. A computer-readable medium storing a plurality of instructions to be executed by a processor for blocking delivery of an electronic communication, the plurality of instructions comprising instructions to:

receive at least a portion of the electronic communication, the electronic communication including an electronic communication source address and an electronic communication recipient address;

access user electronic communication blocking profile data, the user electronic communication blocking profile data including a plurality of user electronic communication blocking records, each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records including a recipient identifier field to store a recipient identifier and a sender identifier field to store a sender identifier;

select a user electronic communication blocking record from a plurality of blocking records for at least two of a plurality of recipient addresses based at least in part on the electronic communication source address and the electronic communication recipient address; and

block delivery of the electronic communication to the electronic communication recipient address based at least in part on the selected user electronic communication blocking record.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 35 as amended is allowable for at least the reason that *Cobb* does not disclose, teach, or suggest at least **select a user electronic communication blocking record from a plurality of blocking records for at least two of a plurality of recipient addresses**. *Cobb* does not teach selecting, based on the recipient address, a record from multiple user records. Notwithstanding, no such teaching can be identified anywhere within this reference. Therefore, *Cobb* does not anticipate claim 35, and the rejection should be withdrawn.

Because independent claim 35 as amended is allowable over the cited art of record, dependent claims 36-40 (which depend from independent claim 35) are allowable as a matter of law for at least the reason that dependent claims 36-40 contain all the steps/features of independent claim 35. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 36-40 are patentable over *Cobb*, the rejection to claims 36-40 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 35, dependent claims 36-40 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 36-40 are allowable.

F. Claims 41-45

The Office Action rejects claims 41-45 under 35 U.S.C. § 102(e) as allegedly being anticipated by *Cobb* (U.S. Patent No. 6,199,102). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 41 recites:

41. A system for blocking delivery of an electronic communication, the system comprising:

means for receiving at least a portion of the electronic communication, the electronic communication including an electronic communication source address and an electronic communication recipient address;

means for accessing user electronic communication blocking profile data, the user electronic communication blocking profile data including a plurality of user electronic communication blocking records, each user electronic communication blocking record of at least a subset of the plurality of user electronic communication blocking records including a recipient identifier field to store a recipient identifier and a sender identifier field to store a sender identifier;

means for selecting a user electronic communication blocking record of a plurality of blocking records for at least two of a plurality of recipient addresses based at least in part on the electronic communication source address and the electronic communication recipient address; and

means for blocking delivery of the electronic communication to the electronic communication recipient address based at least in part on the selected user electronic communication blocking record.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 41 as amended is allowable for at least the reason that *Cobb* does not disclose, teach, or suggest at least **means for selecting a user electronic communication blocking record of a plurality of blocking records for at least two of a plurality of recipient addresses**. *Cobb* does not teach selecting, based on the recipient address, a record from multiple user records. Notwithstanding, no such teaching can be

identified anywhere within this reference. Therefore, *Cobb* does not anticipate claim 41, and the rejection should be withdrawn.

Because independent claim 41 as amended is allowable over the cited art of record, dependent claims 42-45 (which depend from independent claim 41) are allowable as a matter of law for at least the reason that dependent claims 42-45 contain all the steps/features of independent claim 41. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, since dependent claims 42-45 are patentable over *Cobb*, the rejection to claims 42-45 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 41, dependent claims 42-45 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 42-45 are allowable.

IV. Rejections Under 35 U.S.C. §103(a)

A. Claim 7

The Office Action rejects claims 7 under 35 U.S.C. §103(a) as being unpatentable over *Cobb* (U.S. Patent No. 6,199,102) in view of *Ralston* (U.S. Patent No. 6,842,773). For the reasons set forth below, Applicant respectfully traverses the rejection.

Because independent claim 1 is allowable over the cited art of record, dependent claim 7 (which depends from independent claim 1) is allowable as a matter of law for at least the reason that dependent claim 7 contains all the steps/features of independent claim 1. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claim 7 should be withdrawn and the claim allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 1, dependent claim 7 recites further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claim 7 is allowable.

Finally, the Office Action states that it is well known in the art that the electronic communication can be an instant message. Applicant traverses this finding and submits that such should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support this conclusion.

V. Miscellaneous

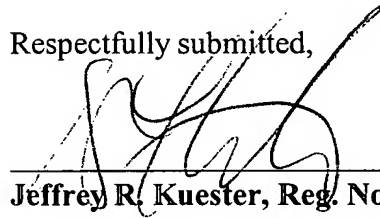
In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.



CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-45 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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